

Remarks

This Amendment is in response to the Office Action dated **August 9, 2007**.

In the Office Action, the Office rejected claims 1, 5, 14, and 64 under 35 U.S.C. § 102(b), alleging the same to be anticipated by U.S. Patent No. 4,183,102 to Guiset (hereafter “Guiset”); and the Office rejected claims 1 – 6, 11, 12, 14, 22, and 64 – 67, alleging the same to be anticipated by U.S. Patent No. 5,350,361 to Tsukashima et al. (hereafter “Tsukashima”).

The Office stated that claims 7 – 9 and 28 – 29 contain allowable subject matter, if rewritten in independent form.

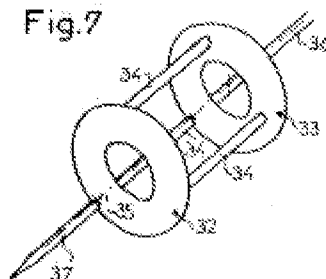
The following comments are presented in the same order and with headings and paragraph numbers corresponding to those set forth in the Office Action.

Claim Rejections—35 U.S.C. § 102

2. The Office rejected claims 1, 5, 14, and 64 under 35 U.S.C. § 102(b), alleging the same to be anticipated by Guiset. Applicant, respectfully, does not agree.

Independent Claim 1

First, the Office states that in regards to FIG. 7 of Guiset, “quite clearly, the inflatable members extend part of the way about the channel **but does not encircle the channel**, and where a housing 26 is able to constrain the plurality of inflatable members.” (Emphasis added). FIG. 7 is presented immediately below:



Contrary to the Office’s assertion, it appears to Applicant that the sleeves 32 and 33 of FIG. 7, which presumably the Office is asserting to the inflatable members of instant claim 1, do indeed

encircle a “channel.” As such, FIG. 7 of Guiset fails to teach or suggest all the limitations of instant claim 1.

Second, assuming for the sake of argument that the Office mistakenly referred to FIG. 7 instead of FIG. 8, FIG. 8 also does not teach or suggest all the limitations of instant claim 1. Claim 1, as amended above, states that the “housing [is] configured to constrain the plurality of inflatable members as the plurality of inflatable members inflate inwardly into the channel.” However, Guiset states at col. 6, line 66 – col. 7, line 6,

Means are also provided for introducing a gas, when desired, into the different chambers 50, either simultaneously or successively, in order to cause the chambers to inflate. As a result of the inflation and the consequent increase in the circumferential dimensions of the membranes 45 to 47, a simultaneous increase in the external diameter of the external face 39 and in the internal diameter of the internal face 38, which defines the channel 51, results.

(Emphasis added).

That is, the internal face 38 of Guiset expands **radially outward** as the chambers are inflated. This is in accordance with the purpose of the device in Guiset: “the invention finds use wherever it is essential to alleviate, either temporarily or permanently, an injury or defect to the wall of a passage **while still permitting the circulation through the passage of the substances which should flow through it.**” (Guiset, col. 1, line 14 – 19)(Emphasis added). It would be in direct contravention of the purpose of the Guiset device if the internal face 38 expanded inwardly upon inflation; this would constrict the passageway, thereby inhibiting the flow of material therethrough. As such, Guiset does not teach or suggest all the elements of instant claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Independent Claim 5

For at least the reasons presented above with respect to independent claim 1, independent claim 5 is also not anticipated by Guiset. Accordingly, Applicant requests the removal of the rejection.

Independent Claim 14

Claim 14 includes the limitation, “the inflatable members inflatable from a first

size to a second size in which the inflatable members apply an inward force to a balloon of a balloon catheter assembly disposed in the channel.” As argued above with respect to claim 1, Guiset does not teach or suggest inflatable members that can apply an inward force to a balloon within the channel. Rather, Guiset expands radially outward so that the channel is not constricted. Thus, Guiset does not anticipate claim 14. Accordingly, Applicant requests the removal of the rejection.

Independent Claim 64

Claim 64 includes the limitation, “the inflatable members inflatable inward so as to reduce in area a cross-section of the channel.” As argued above with respect to claim 1, Guiset does not teach or suggest inflatable members that inflate inward. Rather, Guiset expands radially outward so that the channel is not constricted and therefore not “reduce[d] in area a cross-section of the channel,” as recited in claim 64. Thus, Guiset does not anticipate claim 64. Accordingly, Applicant requests the removal of the rejection.

2. The Office rejected claims 1 – 6, 11, 12, 14, 22, and 64 – 67, alleging the same to be anticipated by Tsukashima. Applicant respectfully disagrees.

Claims 1 – 6, 11, 12, 14, 22, and 64 – 67

The current rejection to claims 1 – 6, 11, 12, 14, 22, and 64 – 67 by the Office is notably similar to the Office’s rejection in the Office Action mailed September 19, 2006. Like before, the Office has confused the **configured balloon** with the **device for configuring an inflatable balloon**.

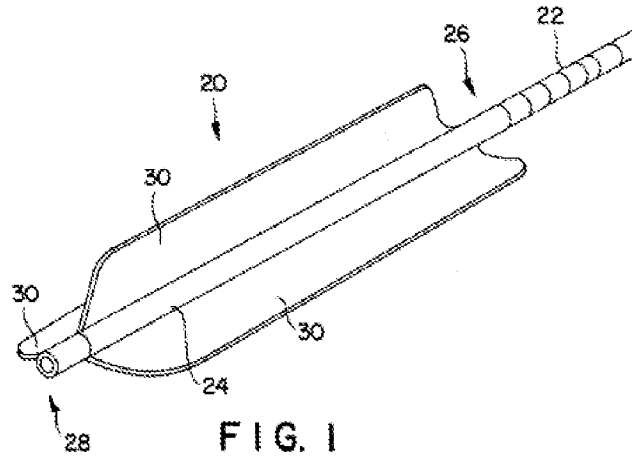
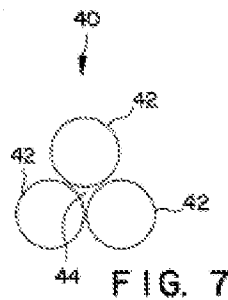
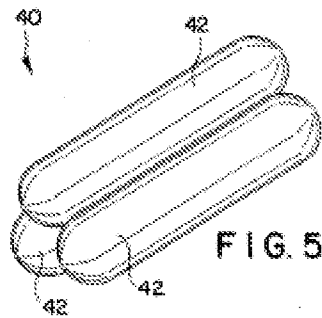
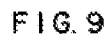


FIG. 1 of Tsukashima shows the configured inflatable balloon 20 with “flaps or wings 30.” (Tsukashima, col. 4, lines 44 – 45).

FIGs. 5, 7, and 9 of Tsukashima are shown immediately below:





In light of the above and the similarity of the instant rejection and that of the Office Action mailed September 19, 2006, Applicant has requested an interview with the Office in order to forestall any more rejections based on misinterpretations.

3. Applicant notes with appreciation that claims 7 – 9 and 28 – 29 contain allowable subject matter, if rewritten in independent form.

Conclusion

Based on at least the above amendments and arguments, Applicant asserts that the pending application is in condition for allowance. Prompt action indicating a notice of allowance is solicited earnestly.

Should the Examiner believe that anything further would be desirable to place the application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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